



11-15-02

3736

Express Mail No. EV207698352US  
PTO/SB/21 (08-00)

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# TRANSMITTAL FORM

(To be used for all correspondence  
after initial filing)

Application Number	09/865,195
Filing Date	May 24, 2001
First Named Inventor	William L. Hunter
Group Art Unit	3736
Examiner Name	Brian Scott Szmal
Attorney Docket No.	110129.420C2

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## ENCLOSURES (check all that apply)

NOV 19 2002

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Response to Restriction <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s), Number of CD(s) <u>TECHNOLOGY</u> <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Additional Enclosure(s) (please identify below): _____ _____ _____
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CENTER R3700

Remarks

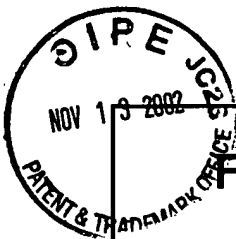
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	Jeffrey C. Pepe, Ph.D. Reg. No. 46,985	 00500 PATENT TRADEMARK OFFICE
Signature		
Date	13-Nov-2002	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date specified below.

Typed or printed name		
Signature		Date:



# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) **55.00**

Complete if Known

Application Number **09/865,195**  
Filing Date **May 24, 2001**  
First Named Inventor **William L. Hunter**  
Examiner Name **Brian Scott Szmaj**  
Group Art Unit **3736**  
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## METHOD OF PAYMENT

☒ Payment Enclosed:  
☒ Check ☐ Credit card ☐ Money Order ☐ Other

☐ Deposit Account:  
Deposit Account Number **19-1090**  
Deposit Account Name **Seed Intellectual Property Law Group PLLC**

The Commissioner is authorized to (check all that apply)  
☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any deficiencies to the above-identified deposit account.

☒ Applicant claims small entity status. See 37 CFR 1.27.

## FEE CALCULATION

### 1. BASIC FILING FEE\*

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee(\$)	Fee Code	Fee(\$)		
1001	740	2001	370	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	510	2003	255	Plant filing fee	
1004	740	2004	370	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. EXTRA CLAIM FEES

Total Claims	<b>554</b>	-554** =	<b>0</b>	* Fee from below	=	
Independent Claims	<b>24</b>	-24** =	<b>0</b>	* Fee from below	=	
Multiple Dependent				* Fee from below	=	

Large Entity		Small Entity		Fee Description	
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	55
1252	400	2252	200	Extension for reply within second month	
1253	920	2253	460	Extension for reply within third month	
1254	1440	2254	720	Extension for reply within fourth month	
1255	1960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1280	1453	640	Petition to revive - unintentional	
1501	1280	2501	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee for provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$)
					<b>55</b>

## SUBMITTED BY

Name (Print/Type)	<b>Jeffrey C. Pepe, Ph.D.</b>	Registration No. Attorney/Agent	<b>46,985</b>
Firm Name/Address			
Signature		Date	<b>13-Nov-2002</b>



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PATENT TRADEMARK OFFICE



Express Mail No. EV207698352US  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : William L. Hunter *et al.*  
Application No. : 09/865,195  
Filed : May 24, 2001  
For : *COMPOSITIONS AND METHODS FOR TREATING DISEASE  
UTILIZING A COMBINATION OF RADIOACTIVE THERAPY AND  
CELL-CYCLE INHIBITORS*

Examiner : Brian Scott Szmal  
Art Unit : 3736  
Docket No. : 110129.420C2  
Date : November 13, 2002

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Commissioner for Patents  
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents:

In response to the Restriction Requirement dated September 17, 2002, please extend the period of time for response one (1) month, to expire on November 17, 2002. Enclosed are a Petition for an Extension of Time and the requisite fee.

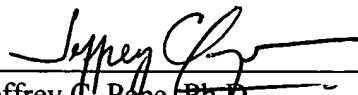
Applicants hereby elect Group I, claims 1-208 and 220-345, for examination at this time. In addition, Applicants hereby elect the following species for prosecution on the merits at this time: Devices: seeds, Method of Treating: recited in claims 220 – 230, Polymer: poly(lactic acid), Cell-Cycle Inhibitor: alkylating agents, and Cellular Proliferation Causes: cancer.

Further in view of the above election, Applicants request consideration of claims to additional species that are written in dependent form or otherwise include all limitations of a later allowed generic claim as provided by 37 CFR §1.141.

Consideration of the elected claims is now requested.

Respectfully submitted,

Seed Intellectual Property Law Group PLLC

  
Jeffrey C. Pope, Ph.D.  
Registration No. 46,985



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JCP:Imp

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